

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, *et al.*

Case No. 2:20-cv-2600

Plaintiffs,

v.

VARSITY BRANDS, LLC, *et al.*,

Defendants.

VARSITY DEFENDANTS' MOTION TO DISMISS

Defendants Varsity Brands, LLC, Varsity Spirit, LLC, and Varsity Spirit Fashions & Supplies, LLC (“Defendants”), through their undersigned counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby move this Court to dismiss the Consolidated Complaint (ECF No. 56) filed by Plaintiffs for failure to state a claim upon which relief can be granted.

Pursuant to Local Rule 7.2(d), movants request oral argument because they believe it will assist the Court in understanding the motion and the attendant issues and to answer any questions the Court may have.

WHEREFORE, for the reasons set forth in Defendants’ Memorandum of Law in Support, filed contemporaneously herewith, Defendants respectfully request that Plaintiffs’ Consolidated Complaint be dismissed in its entirety.

Dated: December 1, 2020

Respectfully submitted,

By: s/ Matthew S. Mulqueen

George S. Cary*
Mark W. Nelson*
Alexis Collins*

Steven J. Kaiser*
Cleary Gottlieb Steen & Hamilton LLP
2112 Pennsylvania Avenue, NW
Washington, DC 20037
Phone: (202) 974-1500
Fax: (202) 974-1999
gcary@cgsh.com
mnelson@cgsh.com
alcollins@cgsh.com
skaiser@cgsh.com

* Admitted *pro hac vice*

Matthew S. Mulqueen (TN #28418)
Adam S. Baldridge (TN #23488)
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Phone: (901) 526-2000
Fax: (901) 577-0866
mmulqueen@bakerdonelson.com
abaldridge@bakerdonelson.com

*Attorneys for Varsity Brands, LLC, Varsity Spirit,
LLC, and Varsity Spirit Fashions & Supplies, LLC*